

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1025

Introduced by Bourne, 8; Cornett, 45; Hudkins, 21; Dw. Pedersen,
39; Stuthman, 22; Synowiecki, 7

Read first time January 11, 2006

Committee: Appropriations

A BILL

1 FOR AN ACT relating to county jails; to amend section 47-119.01,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to state prisoner reimbursement; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-119.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 47-119.01 (1) The county in which a prisoner committed an
4 offense or is alleged to have committed an offense is responsible
5 for the cost of keeping and maintaining the prisoner in a criminal
6 detention facility located within the state which is not reimbursed
7 by a city, the state, or the federal government.

8 (2) Subject to the appropriation limitations and claims
9 filing deadlines established in this section for county jail
10 reimbursement assistance, after sentencing if a prisoner is a state
11 prisoner, the state shall reimburse the county where the state
12 prisoner was or is maintained in a criminal detention facility at
13 the rate of thirty-five dollars per day for each day the state
14 prisoner was maintained in the criminal detention facility for
15 such offense until the day the state prisoner is transferred to a
16 Department of Correctional Services facility, placed on probation
17 for such offense, or released from custody at the request of
18 the department, except that during any quarterly fiscal period
19 if state appropriations are not sufficient to satisfy all of the
20 eligible county jail reimbursement claims filed, then the state
21 shall prorate each county's total reimbursement for that quarterly
22 fiscal period in proportion to the remaining appropriation.

23 (3) Any county jail reimbursement claims not timely filed
24 by any county and any county jail reimbursement claims paid by the
25 state on a prorated basis shall not be filed or refiled, and no

1 such claims shall be reimbursed by the state.

2 (4) Subject to available appropriations, the department
3 shall reimburse all counties on a quarterly basis for all eligible
4 county jail reimbursement claims as soon as practicable after the
5 end of each quarterly filing period.

6 (5) The county board or county board of corrections
7 shall request reimbursement as provided in section 47-121. If
8 the department has been notified under section 83-4,133 that the
9 criminal detention facility which is requesting reimbursement does
10 not qualify for reimbursement under this section, the department
11 shall deny the reimbursement request for the days the facility was
12 not qualified.

13 (6) If a conviction on which reimbursement for prisoner
14 costs was based is reversed and the case dismissed, the amount of
15 such reimbursement shall be refunded as provided in section 47-121.
16 The county attorney shall notify the sheriff or county board of
17 corrections of the dismissal of any such case.

18 (7) The Department of Correctional Services shall
19 reimburse counties for eligible county jail reimbursement claims
20 subject to the appropriation limitations and claims filing
21 deadlines in this section. ~~For fiscal year 2002-03, the total~~
22 ~~annual appropriations approved by the Legislature for the~~
23 ~~department for county jail reimbursement assistance shall not~~
24 ~~exceed three million nine hundred ten thousand dollars, plus the~~
25 ~~amount of necessary deficit funding required to fulfill unpaid~~

1 statutory obligations from fiscal year 2000-01 and fiscal year
2 2001-02, as certified by each county, and such claims shall be
3 received in the office of the accounting section of the department
4 by September 15, 2002. Beginning with fiscal year 2003-04 and each
5 fiscal year thereafter, the total annual appropriations approved by
6 the Legislature for the department for county jail reimbursement
7 assistance shall not exceed three million nine hundred ten thousand
8 dollars. County jail reimbursement claims filed for any fiscal year
9 shall only be paid out of the same fiscal year's appropriation,
10 including any amounts reappropriated or certified as encumbrances
11 for county jail reimbursement assistance, but no previous fiscal
12 year claims shall be paid or filed by counties to be paid from a
13 subsequent fiscal year's new appropriation established for county
14 jail reimbursement assistance. County jail reimbursement claims, as
15 certified by each county, shall be received in the office of the
16 accounting section of the department within forty-five days after
17 the end of any quarterly fiscal period ending on March 31, June
18 30, September 30, and December 31. Any claims not meeting these
19 deadlines shall be determined ineligible for future filing and
20 shall not be reimbursed by the state.

21 Sec. 2. Original section 47-119.01, Reissue Revised
22 Statutes of Nebraska, is repealed.

23 Sec. 3. Since an emergency exists, this act takes effect
24 when passed and approved according to law.